

The below described is **SIGNED**.

Dated: March 26, 2014



JOEL T. MARKER
U.S. Bankruptcy Judge



Arnold Richer - 2751

~~Patrick F. Holden - 6247~~

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Attorneys for World Botanical Gardens, Inc.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF UTAH

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|---|---|
| In re: WALTER L. WAGNER, Debtor. | Bankruptcy Case No. 12-35494 Chapter 7 Honorable Joel T. Marker |
| WORLD BOTANICAL GARDENS, INC., Plaintiff, v. WALTER L. WAGNER, Defendant. | ORDER DENYING WITHOUT PREJUDICE PLAINTIFF WORLD BOTANICAL GARDENS, INC.'S MOTION FOR AN ORDER IMPOSING PRE-FILING RESTRICTIONS ON DEFENDANT WALTER L. WAGNER Adversary Proceeding No. 13 (Filed via ECF) |

Plaintiff World Botanical Gardens, Inc.'s Motion to Strike Defendant Walter L. Wagner's Cross-Complaint (Dkt. No. 86) and Plaintiff World Botanical Gardens, Inc.'s Motion for an Order Imposing Pre-Filing Restrictions on Defendant Walter L. Wagner (Dkt. No. 90) came before the above-entitled Court on March 18, 2014 at 10:00 a.m. before the Honorable Joel

T. Marker. Plaintiff World Botanical Gardens, Inc. was represented by Patrick F. Holden.

Defendant Walter L. Wagner appeared Pro Se on his own behalf.

The Court, having considered the following documents:

- (1) Plaintiff World Botanical Gardens, Inc.'s Motion to Strike Defendant Walter L. Wagner's Cross-Complaint (Dkt. No. 86);
- (2) Plaintiff World Botanical Gardens, Inc.'s Motion for an Order Imposing Pre-Filing Restrictions on Defendant Walter L. Wagner (Dkt. No. 90);
- (3) Defendant Walter L. Wagner's Opposition to Motion to Strike (Dkt. No. 88);
- (4) Memorandum of Law in Support of Wagner and in Opposition to Motion to Strike and Motion for Pre-Filing Restrictions (Dkt. No. 96);
- (5) Affidavit of Cal Andrus in Support of Wagner and in Opposition to Motion to Strike and Motion for Pre-Filing Restrictions (Dkt. No. 93);
- (6) Affidavit of Dan Perkins in Support of Wagner and in Opposition to Motion to Strike and Motion for Pre-Filing Restrictions (Dkt. No. 94);
- (7) Affidavit of Walter L. Wagner in Support of Wagner and in Opposition to Motion to Strike and Motion for Pre-Filing Restrictions (Dkt. No. 95);
- (8) Supplemental Affidavit in Support of Wagner and in Opposition to Motion to Strike and Motion for Pre-Filing Restrictions (Dkt. No. 97); and
- (9) Plaintiff World Botanical Gardens, Inc.'s Reply Memorandum (Dkt. No. 98),

together with the parties' oral arguments, and with the Court entering its findings of fact and conclusions of law on the record (03/18/2014 *Minutes of Proceedings* and Dkt. No. 101), and with good cause appearing:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

Plaintiff World Botanical Gardens, Inc.'s Motion for an Order Imposing Pre-Filing Restrictions on Defendant Walter L. Wagner(Dkt. No. 90) is hereby denied without prejudice.

DATED this ____ day of March, 2014.

BY THE COURT:

HONORABLE JOEL T. MARKER
United States Bankruptcy Court Judge

COURT CERTIFICATE OF SERVICE

I hereby certify that on the ____ day of March, 2014, I caused a true and correct copy of the foregoing to be served upon the following parties by placing the same in the United States Mail, postage prepaid, addressed as follows:

Walter Wagner, Pro Se
532 N 700 E
Payson, Utah 84651

Arnold Richer
Attorney for World Botanical Gardens, Inc.
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